

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

NORMAN TIMBERLAKE,)	
)	
Petitioner,)	
v.)	NO. 1:06-cv-1841-RLY VSS
)	
ED BUSS,)	
)	
Respondent.)	


ENTRY

The petitioner's motion to strike, for protective order, etc., filed on January 4, 2007, is **granted in part and denied in part**, consistent with the following:

1. The declaration of Dr. Embar will not be stricken.
2. The declaration of Dr. Embar will not be considered as part of the expanded record in this case. The reason for this ruling is at least that this action involves a review of the decision of the Indiana Supreme Court in *Timberlake v. State*, 858 N.E.2d 625 (Ind. 2006), and Dr. Embar's recent session with Mr. Timberlake had not yet occurred when the Indiana Supreme Court acted. This Entry constitutes a protective order to the extent consistent with the foregoing.
3. Based on the above, no discovery or further proceedings as to the petitioner's motion to strike, for protective order, etc., are warranted.

IT IS SO ORDERED.

Date: 01/08/2007



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

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